

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

City of Detroit, Michigan,

Debtor.

Case No. 13-53846-TJT
Chapter 9
Hon. Thomas J. Tucker

**A&M TRUCKING’S RESPONSE TO CITY OF DETROIT’S
STATUS REPORT WITH REGARD TO PREFERENCE ACTIONS¹**

A&M Trucking, Inc. feels compelled to file this response to the City’s status report where it praises itself on “working diligently” with the remaining preference defendants “to resolve the rapidly dwindling number of open cases as expeditiously as possible...” A&M disagrees.

A&M has supplied the City with a complete spreadsheet of historical payments and supporting invoices going back to October 2011. The last set of records were supplied on February 2, 2016. The records shows that the course of payments made by the City to A&M did not change in any respect during the preference period. Since providing that documentation, along with documentation evidencing A&M’s state of financial affairs, as requested by the City, A&M’s counsel has heard little from the City. In fact, A&M’s counsel has sent no less than

¹ A&M apologizes for the lateness in filing this response, but its owner was in the hospital with her daughter and grandchild the entire day of May 17, 2016, and unable to review and approve of the response until she returned home that evening.

six emails and left several messages with the City's counsel, receiving no response, except that they "would try to touch base" by the first of May. That didn't happen. A&M has sought information from the City refuting A&M's defense to the claims as evidenced by the documentation but has received nothing.

A&M is a small company owned by a woman in her 70s. The company uses three dump trucks, each over 20 years old, to fill potholes for the City. A&M desires to keep operating and providing work for its three drivers, but cannot do so if the City's "diligence" means that it will continue to ignore A&M's requests for information necessary to A&M's defense of the City's preference claim, requiring A&M to incur legal fees beyond its ability to pay.

A&M requests that the Procedures Order be amended as to A&M to allow it to conduct discovery as permitted by the Federal Rules of Civil Procedure.

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